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24 APR 2008

Susan L. RANCOURT  
HEENAN BLAIKIE LLP  
200 Bay Street, P.O. Box 185  
South Tower, Royal Bank Plaza  
Toronto, Ontario M5J 2J4  
CANADA

In re Application of: :  
SPARKES, Vernon, W. :  
Application No.: 10/595,982 : DECISION  
PCT No.: PCT/CA2004/002102 :  
Int. Filing Date: 06 December 2004 :  
Priority Date: 21 January 2004 :  
Attorney Docket No.: 49318-05 :  
For: PIVOTING HITCH ASSEMBLY :  
:

This decision is issued in response to the "Petition" filed 24 April 2008, treated herein as a petition under 37 CFR 1.181. No petition fee is required.

**BACKGROUND**

On 06 December 2004, applicant filed international application number PCT/CA2004/002102. The international application claimed a priority date of 21 January 2004, and it designated the United States. On 04 August 2005, the International Bureau (IB) transmitted a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for payment of the U.S. basic national was thirty months from the priority date, i.e., 21 July 2006.

On 23 May 2006, applicant filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the small entity basic national fee.

On 19 November 2007, a "Power Of Attorney and Correspondence Address Indication Form" (Form PTO/SB/81) was filed. The Form PTO/SB/81 was signed by the applicant, it appointed above named counsel as attorney of record herein, and it requested that the correspondence address be changed from the address set forth in the original application papers to the new address set forth above.

On 22 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing this oath or declaration later than thirty months from the priority date were required. The Form PCT/DO/EO/905 was

mailed to the original correspondence address, not to the new correspondence address indicated above.

On 24 April 2008, applicant filed the “Petition” considered herein. The petition requests that the Notification Of Missing Requirements mailed 22 January 2008 be vacated, and that a corrected Notification Of Missing Requirements be mailed to the proper attorney at the correct correspondence address

### DISCUSSION

As noted above, an effective “Power Of Attorney and Correspondence Address Indication Form” (Form PTO/SB/81) was filed herein on 19 November 2007, prior to the 22 January 2008 mailing of the Notification Of Missing Requirements. The Notification should therefore have been addressed to above-named counsel at the new correspondence address listed above. Instead, however, the Notification Of Missing Requirements was addressed to prior counsel at the the original correspondence address.

Because the Notification Of Missing Requirements was not directed to the proper address, the Notification is appropriately vacated.

It is noted that the present petition requests a copy of “all of the documentation that was sent to the prior attorney of record after the revocation of that attorney be mailed to the undersigned (i.e., Filing Receipt and Revocation and Appointment of Attorney).” However, other than the Form PTO/DO/EO/905, it does not appear that there has been any other correspondence mailed to prior counsel herein. A courtesy copy of the previously mailed Form PTO/DO/EO/905 will be included with the present decision.

### CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED**.

The Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 22 January 2008 to the previous correspondence address is hereby **VACATED**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this communication, including: (1) processing of the “Power Of Attorney and Correspondence Address Indication Form” (Form

PTO/SB/81) filed 19 November 2007; and (2) issuance of a new "Notification Of Missing Requirements" (Form PCT/DO/EO/905) directed to the above-listed correspondence address.

*rmr*

Richard M. Ross  
Attorney Advisor  
Office Of PCT Legal Administration  
Telephone: 571-272-3296  
Facsimile: 571-273-0459

Encl.: Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 22 January 2008



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/595,982	VERNON W. SPARKES	52922-11
23971 BENNETT JONES C/O MS ROSEANN CALDWELL 4500 BANKERS HALL EAST 855 - 2ND STREET, SW CALGARY, AB T2P 4K7 CANADA		INTERNATIONAL APPLICATION NO. PCT/CA04/02102
	I.A. FILING DATE	PRIORITY DATE
	12/06/2004	01/21/2004

CONFIRMATION NO. 1264  
371 FORMALITIES LETTER



OC000000027830396

Date Mailed: 01/22/2008

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 05/23/2006
- Copy of the International Search Report filed on 05/23/2006
- Copy of IPE Report filed on 05/23/2006
- Preliminary Amendments filed on 05/23/2006
- Small Entity Statement filed on 05/23/2006
- U.S. Basic National Fees filed on 05/23/2006
- Priority Documents filed on 05/23/2006
- Power of Attorney filed on 11/19/2007
- Specification filed on 05/23/2006
- Abstracts filed on 05/23/2006
- Drawings filed on 05/23/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

PATRICIA A BOOKER

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Telephone: (703) 308-9140 EXT 204

RECEIVED

APR 24 2008

PCT LEGAL  
ADMINISTRATION

Heenan Blaikie

## Of Counsel

The Right Honourable Pierre Elliott Trudeau, P.C., C.C., C.H., Q.C., FRSC (1984-2000)

The Right Honourable Jean Chrétien, P.C., Q.C.

The Honourable Donald J. Johnston, P.C., Q.C.

Pierre Marc Johnson, FRSC

The Honourable John W. Morden

Peter M. Blaikie, Q.C.

André Bureau, Q.C.

## FACSIMILE TRANSMISSION SHEET

RECIPIENT(S)

USPTO

Attention: Richard Ross

Fax No. 1-571-273-0459

ENDER

Susan L. Rancourt, Ph.D.

T 416 643.6813 • F 1 866 223.1745

ATE

April 24, 2008

UR REFERENCE

049318-0005

JECT

US Patent Application No. 10/595,982

Pages: 5

I, Susan Rancourt, hereby certify that I forwarded the attached Petition along with a copy of the Power of Attorney and Correspondence Address Indication Form to the United States Patent and Trademark Office by facsimile on the date identified above.




---

 Susan Rancourt Reg. No. 56,016

P.O. Box 185, Suite 2600  
 200 Bay Street  
 South Tower, Royal Bank Plaza  
 Toronto, Ontario  
 Canada M5J 2J4

[www.heenanblaikie.com](http://www.heenanblaikie.com)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Vernon W. Sparkes

Serial No.: 10/595,982

Filed: December 6, 2004

Examiner: Unknown

Art. Unit: 3611

Attorney Docket: 49318-05

Dear Sir:

PETITION

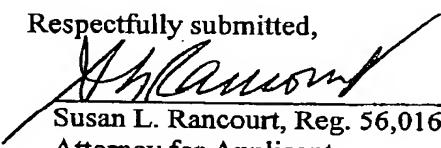
The undersigned petitions, under 37 CFR 1.181, that the Notice of Missing Requirements that was sent on January 22, 2008 be rescinded, and that a new Notice with a new date, be sent to the correspondence address indicated on the Power of Attorney made of record in this application.

The above-identified patent application was filed as a National Entry Application on May 23, 2006, by the Applicant's prior counsel. The attached Power of Attorney was filed in the Patent Office on November 19, 2007, indicating that the attorney of record and address that was to be used for all correspondence had changed. Because of concerns as to the status of the application, a Status Request was submitted the Patent Office on March 28, 2008, and the Patent Office was contacted by phone yesterday to request an update.

The undersigned was advised by the Patent Office that, on January 22, 2008, a Notice of Missing Requirements was sent to the address of the prior attorney of record and not the new correspondence address on file. The undersigned petitions that a new Notice of Missing Requirements be issued, and that a copy of all of the documentation that was sent to the prior attorney of record after the revocation of that attorney be mailed to the undersigned (i.e., Filing Receipt and Revocation and Appointment of Attorney).

Respectfully submitted,

Dated: April 24, 2008

  
Susan L. Rancourt, Reg. 56,016  
Attorney for Applicant  
Heenan Blaikie LLP  
Telephone: 416-643-6813  
Fax: 1-866-223-1745

# Heenan Blaikie

**Of Counsel**

The Right Honourable Pierre Elliott Trudeau, P.C., C.C., C.H., Q.C., FRSC (1984-2000)  
The Right Honourable Jean Chrétien, P.C., Q.C.  
The Honourable Donald J. Johnston, P.C., Q.C.  
Pierre Marc Johnson, FRSC  
The Honourable John W. Morden  
Peter M. Blaikie, Q.C.  
André Bureau, O.C.

**FACSIMILE TRANSMISSION SHEET**

RECIPIENT(S) **USPTO**  
Fax No. **1-571-273-8300**

RENDER **Susan L. Rancourt, Ph.D.**  
**T 416 643.6813 • F 1 866 223.1745**

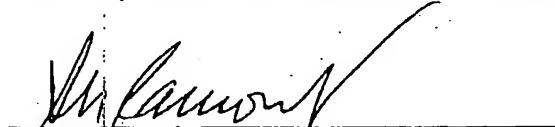
DATE **November 19, 2007**

JR REFERENCE **049318-0005**

OBJECT **US Patent Application No. 10/595,982**

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I, Susan Rancourt, hereby certify that I forwarded the attached Power of Attorney and Correspondence Address Indication Form to the United States Patent and Trademark Office by facsimile on the date identified above.

  
**Susan Rancourt Reg. No. 56,016**

P.O. Box 185, Suite 2600  
100 Bay Street  
South Tower, Royal Bank Plaza  
Toronto, Ontario  
Canada M5J 2J4  
[www.heenanblaikie.com](http://www.heenanblaikie.com)

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PTO/SB/21 (11-07)

Approved for use through 11/30/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FORM

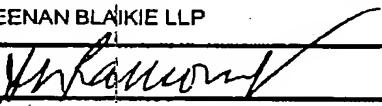
(to be used for all correspondence after initial filing)

		Application Number	10/595,982
		Filing Date	December 8, 2004
		First Named Inventor	SPARKES, Vernon W
		Art Unit	3611
		Examiner Name	Not known
Total Number of Pages in This Submission		Attorney Docket Number	49318-05

## ENCLOSURES (Check all that apply)

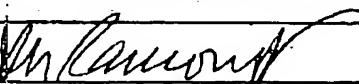
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	HEENAN BLAIKIE LLP		
Signature			
Printed name	SUSAN L. RANCOURT		
Date	Nov. 19, 2007	Reg. No.	56,016

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	SUSAN L. RANCOURT	Date	Nov. 19, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/81 (01-06)

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/595,982
Filing Date	December 6, 2004
First Named Inventor	SPARKES, Vernon W.
Title	Pivoting Hitch Assembly
Art Unit	3611
Examiner Name	Not known
Attorney Docket Number	49318-05

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

 Practitioners associated with the Customer Number: 

OR

 Practitioner(s) named below:

Name	Registration Number
Susan L. Rancourt	56,016

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

 The address associated with the above-mentioned Customer Number: 

OR

 The address associated with Customer Number: 

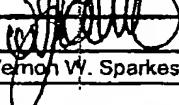
OR

<input checked="" type="checkbox"/> Firm or Individual Name	HEENAN BLAIKIE LLP			
Address	200 Bay Street, P.O. Box 185, South Tower, Royal Bank Plaza			
City	Toronto	State	Ontario	Zip
Country	Canada			
Telephone	(416)-360-6336	Email	srancourt@heenan.ca	

I am the:

 Applicant/Inventor. Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

## SIGNATURE of Applicant or Assignee of Record

Signature			
Name	Vernon W. Sparkes <span style="float: right;">Date <b>APR 15/07</b></span>		
Title and Company			

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

 Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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